

MEMO ENDORSED

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July 22, 2008

The Honorable Gerald E. Lynch
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street-Suite # 910
New York, New York 10007

RE: Deley Gazinelli vs The City of New York,
etc., et al./08 Civ 4483/GEL/SDNY/JEF/SDNY

Dear Judge Lynch:

I am writing to the Court to request an adjournment of the initial conference in this matter. The initial conference has been scheduled for July 31, 2008 at 4:00 P.M.

Since the filing of this litigation, the New York County District Attorney's Office has advised the Plaintiff that his case has been docketed in the Criminal Court. Initially, my client received a notification that the case had not been docketed and that, if he did not hear from the District Attorney's Office within ninety [90] days, the matter would not go forward. The Plaintiff has appeared in the Criminal Court and is scheduled to appear, at an adjourned date, on October 8, 2008. The Plaintiff was informed that the matter had been further adjourned so that the District Attorney's Office could do further investigation.

I have spoken with counsel for the Defendants. We both believe that it would serve the interests of all concerned including the Court to put this matter off until after October 8, 2008 when, it is anticipated, we will have a better sense and/or knowledge about whether the Criminal Court case will be dismissed or whether the Criminal Court proceeding will continue to go forward. If the former, we can, then, proceed forward in

this case with all that is required in light of the facts as described above. If the latter, we can then address how best to proceed including, if appropriate, the withdrawal of this litigation or the placement of the case on a suspense status.

Please note, as well, that the Defendants' Answer is due to be filed on August 4, 2008. In light of the foregoing circumstances, it is requested that the Defendants' time to respond to the Complaint be further adjourned until we can better assess the circumstances flowing from what transpires in the Criminal Court on October 8, 2008.

For the reasons described above, it is respectfully requested that the application herein be granted. The Defendants' counsel consents to the request in these respects.

Thank you so much for all of your attention, kindness, understanding, consideration, patience, indulgence, efforts, advisement, acknowledgement, and confirmation herein.

Sincerely yours,


James I. Meyerson

JIM

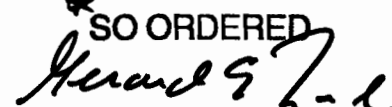
copy:

Mark Zuckerman, Esq.

[via fax @ (212) 788-9776]

Mr. Deley Gazinelli

Initial conference shall be adjourned until October 17, 2008,
at 10:00 a.m. Defendants' time to respond to the } *
complaint shall be extended until October 17, 2008.

*SO ORDERED

GERARD E. LYNCH, U.S.D.J.
7/24/08